

# Exhibit I

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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DIANNE L. KELLEY and KENNETH )  
HANSEN, )  
 )  
Plaintiffs, )  
 )  
vs. ) No. C070475 MJP  
 )  
MICROSOFT CORPORATION, a )  
Washington corporation, )  
 )  
Defendant. )

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VIDEOTAPED 30(b)(6) DEPOSITION UPON ORAL EXAMINATION OF  
MICROSOFT CORPORATION  
CHRISTINE MULLANEY SUNDLIE  
(CONTAINS CONFIDENTIAL TESTIMONY  
SUBJECT TO PROTECTIVE ORDER)

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1:52 P.M.

AUGUST 29, 2007

1001 FOURTH AVENUE, SUITE 4000  
SEATTLE, WASHINGTON

REPORTED BY: JULIE R. HEAD, CRR, RPR, CCR No. 3119

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13:53:07 1 MR. CASPER: Charles Casper of Montgomery,  
13:53:08 2 McCracken, Walker & Rhoads for Microsoft.  
13:53:10 3 MS. NORMAN: Linda Norman of Microsoft  
13:53:12 4 Corporation for Microsoft and the witness.  
13:53:14 5 THE VIDEOGRAPHER: The court reporter today is  
13:53:15 6 Julie Head with the firm Yamaguchi, Obien & Mangio.  
13:53:19 7 Please swear in the witness and we may  
13:53:20 8 proceed.  
9 CHRISTINE MULLANEY SUNDLIE,  
10 sworn as a witness by the Notary Public,  
11 testified as follows:  
12 EXAMINATION  
13 BY MR. SMART:  
13:53:35 14 Q. Ms. Mullaney Sundlie, is that the correct  
13:53:37 15 pronunciation of your name?  
13:53:38 16 A. Yes.  
13:53:39 17 Q. And is that the way you like to be referred  
13:53:41 18 to, as Mullaney Sundlie?  
13:53:42 19 A. Yes.  
13:53:43 20 Q. Thank you.  
13:53:43 21 My name is Will Smart. You and I have just  
13:53:45 22 been introduced. We don't know each other, do we?  
13:53:48 23 A. No.  
13:53:48 24 Q. Could you state your full name and address for  
13:53:50 25 the record, please?

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13:53:51 1 A. Christine Mullaney Sundlie, 14190 Southeast  
13:53:54 2 24th Street, Bellevue, Washington 98007.  
13:54:00 3 Q. And what is your employment, ma'am?  
13:54:02 4 A. I work for Microsoft Corporation.  
13:54:04 5 Q. And what is your job title?  
13:54:06 6 A. Principal program manager.  
13:54:08 7 Q. And what is a principal program manager for  
13:54:10 8 Microsoft?  
13:54:12 9 A. I'm -- I am responsible for working in the  
13:54:16 10 anti-trust division to analyze and manage various issues  
13:54:21 11 related to our software products and business issues  
13:54:25 12 surrounding them.  
13:54:26 13 Q. And how long have you been a principal program  
13:54:29 14 manager at Microsoft?  
13:54:31 15 A. For a year.  
13:54:34 16 Q. That would have been since approximately  
13:54:36 17 August of 2006?  
13:54:38 18 A. Yes.  
13:54:38 19 Q. And what did you do prior to that time?  
13:54:40 20 A. I was a senior program manager, a business  
13:54:44 21 program manager.  
13:54:45 22 Q. Working in the same area?  
13:54:47 23 A. Yes.  
13:54:48 24 Q. Okay. How long have you worked for Microsoft?  
13:54:50 25 A. 17 years.

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13:54:52 1 Q. And has the bulk of your time been as a senior  
13:54:56 2 program manager?  
13:54:57 3 A. No.  
13:54:57 4 Q. How long were you a senior program manager?  
13:54:59 5 A. A year.  
13:55:01 6 Q. Are there particular programs that you are  
13:55:04 7 responsible for?  
13:55:07 8 A. Currently, I'm responsible for working with  
13:55:10 9 the Department of Justice Technical Committee around the  
13:55:14 10 consent decree and I'm also involved in other activities  
13:55:20 11 around Windows and various regulatory agencies around  
13:55:24 12 the world and our compliance with orders and other  
13:55:29 13 materials that the governments would like us to do.  
13:55:32 14 Q. And which consent decree are you involved with  
13:55:35 15 at this time?  
13:55:37 16 A. I don't recall the date of the consent decree,  
13:55:39 17 but it's the consent decree with the US Department of  
13:55:42 18 Justice.  
13:55:43 19 Q. Is there only one?  
13:55:45 20 A. There are probably several, but the one that  
13:55:48 21 I'm aware of is the one I'm working on.  
13:55:50 22 Q. Okay.  
13:55:51 23 A. And it's pretty -- people are pretty aware of  
13:55:53 24 what I'm talking about, or should be.  
13:55:56 25 Q. Now, it's my understanding that there is more

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13:55:58 1 than one consent decree in effect involving Microsoft  
13:56:01 2 and I'm just wondering if you could explain which the  
13:56:04 3 consent decree is that you're involved with.  
13:56:07 4 A. The one that ends on November 12th, 2007.  
13:56:10 5 Q. And what does it provide?  
13:56:16 6 A. It provides for several things. It provides  
13:56:18 7 for Microsoft to perform several things -- several  
13:56:22 8 actions around documenting our protocols and Windows  
13:56:25 9 APIs. It provides for the way we handle what the  
13:56:31 10 Department of Justice terms middleware, and I'm sure  
13:56:34 11 there are several other provisions in the decree that I  
13:56:37 12 wouldn't be able to list for you without going through  
13:56:40 13 the document in detail.  
13:56:42 14 Q. Are you involved with any consent decrees that  
13:56:46 15 affect Microsoft that prohibit Microsoft from using  
13:56:49 16 false or misleading advertising information?  
13:56:53 17 A. Not that I'm aware of.  
13:56:54 18 Q. Do you know of who's responsible for ensuring  
13:56:58 19 compliance with that type of consent decree at  
13:57:01 20 Microsoft?  
13:57:01 21 MR. CASPER: Objection: Assumes facts in  
13:57:03 22 evidence -- facts not in evidence.  
23 Q. (BY MR. SMART:) You can go ahead and answer  
24 the question.  
13:57:07 25 A. Can you repeat the question, please?

Exhibit I

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520 Pike Street, Suite 1320, Seattle, Washington 98101 \* (206) 622-6875 \* 1 (800) 831-6973

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<p>13:57:09 1 Q. Sure.</p> <p>13:57:09 2 Do you know who's responsible for ensuring</p> <p>13:57:11 3 compliance with that type of consent decree?</p> <p>13:57:14 4 A. Not directly, no.</p> <p>13:57:19 5 Q. When you were a senior program manager for a</p> <p>13:57:22 6 year -- approximately a year ago, what program were you</p> <p>13:57:25 7 involved with?</p> <p>13:57:26 8 A. I was responsible for shipping the regulatory</p> <p>13:57:30 9 products that were required via the Korean Fair Trade</p> <p>13:57:35 10 Commission Order.</p> <p>13:57:43 11 Q. And, prior to that time, what was your job?</p> <p>13:57:46 12 A. I was a group program manager.</p> <p>13:57:47 13 Q. And what were your responsibilities as a group</p> <p>13:57:49 14 program manager?</p> <p>13:57:50 15 A. I was responsible for managing the OEM desktop</p> <p>13:57:55 16 operating system license agreements and -- ancillary</p> <p>13:58:00 17 programs in the OEM division.</p> <p>13:58:02 18 Q. Did you have any direct responsibility for the</p> <p>13:58:08 19 Windows Vista Capable logo program?</p> <p>13:58:10 20 A. I was involved in the implementation of the</p> <p>13:58:12 21 logo program.</p> <p>13:58:15 22 Q. Starting when?</p> <p>13:58:20 23 A. The Vista Capable program would be when we --</p> <p>13:58:25 24 prior to first -- us first announcing it to the OEMs and</p> <p>13:58:28 25 working with them, which would have been somewhere in</p>	<p>14:00:10 1 about retailers with respect to number five.</p> <p>14:00:12 2 MR. SMART: I understand that. Thank you.</p> <p>14:00:30 3 Q. (BY MR. SMART:) Thank you.</p> <p>14:00:34 4 Ms. Mullaney Sundy -- Sundlie, could you give</p> <p>14:00:39 5 me a thumbnail sketch of your educational background,</p> <p>14:00:40 6 please?</p> <p>14:00:42 7 A. Well, I graduated high school. I was a member</p> <p>14:00:46 8 of the honor society -- National Honor Society. I have</p> <p>14:00:50 9 attended probably up to my junior year in college at</p> <p>14:00:57 10 both Rutgers University and New York University.</p> <p>14:01:00 11 Q. Any other formal education past high school</p> <p>14:01:02 12 other than as identified?</p> <p>14:01:02 13 A. No.</p> <p>14:01:02 14 Q. Okay. Thank you.</p> <p>14:01:05 15 The first category that you've been called to</p> <p>14:01:08 16 testify on is the number of persons in the United States</p> <p>14:01:11 17 who purchased a computer to which a Windows Vista</p> <p>14:01:14 18 Capable sticker was affixed, but not also bearing the</p> <p>14:01:18 19 Premium Ready designation, correct?</p> <p>14:01:20 20 A. Correct.</p> <p>14:01:21 21 Q. How many of those people were there?</p> <p>14:01:24 22 A. I don't know.</p> <p>14:01:25 23 Q. Who would know that?</p> <p>14:01:27 24 A. Microsoft would not know it because we don't</p> <p>14:01:31 25 have records as to purchase -- computers purchased with</p>
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<p>13:58:31 1 2005.</p> <p>13:58:36 2 Q. Have you ever given sworn testimony on behalf</p> <p>13:58:39 3 of Microsoft before?</p> <p>13:58:40 4 A. No.</p> <p>13:58:41 5 Q. Have you ever given sworn testimony before?</p> <p>13:58:43 6 A. No.</p> <p>13:58:45 7 Q. Have you ever been a 30(b)(6) designee before?</p> <p>13:58:48 8 A. No.</p> <p>13:58:52 9 Q. It's my understanding that you have been</p> <p>13:58:54 10 designated to testify to the subjects listed in Exhibit</p> <p>13:58:59 11 No. 1, Exhibit A, numbers one through four, six and</p> <p>13:59:07 12 seven; is that correct?</p> <p>13:59:08 13 A. No.</p> <p>13:59:09 14 Q. What categories are you going to testify on</p> <p>13:59:12 15 with regard to Exhibit No. 1?</p> <p>13:59:16 16 A. Items number one through six.</p> <p>13:59:20 17 Q. Okay. Would you take this pen and write your</p> <p>13:59:23 18 name in on the right-hand margin next to items number</p> <p>13:59:26 19 one through six, so that we can understand that that's</p> <p>13:59:29 20 what you're doing?</p> <p>13:59:54 21 MR. CASPER: Mr. Smart, while she's doing</p> <p>13:59:55 22 that, I would just clarify for the record that today's</p> <p>13:59:59 23 earlier designee already testified about number five</p> <p>14:00:03 24 with respect to retailers, and, so, Microsoft has not</p> <p>14:00:07 25 designated Ms. Mullaney Sundlie to designate -- to talk</p>	<p>14:01:35 1 the Windows Vista Capable sticker.</p> <p>14:01:36 2 Q. What -- What kind of records do you keep by</p> <p>14:01:39 3 which you can keep track of the dollars that are</p> <p>14:01:41 4 associated with the sales of Windows Vista Capable</p> <p>14:01:48 5 computers?</p> <p>14:01:50 6 A. In terms of computers? We don't keep track of</p> <p>14:01:53 7 computers. We don't sell computers.</p> <p>14:01:55 8 Q. What do you keep track of in order to</p> <p>14:01:58 9 determine how much money you are entitled to from the</p> <p>14:02:02 10 OEMs or the retailers who sell computers that have</p> <p>14:02:06 11 Windows Vista Capable stickers attached?</p> <p>14:02:08 12 A. The number of licenses that are sold and the</p> <p>14:02:12 13 associating revenue per license.</p> <p>14:02:15 14 Q. Okay. And how do you keep track of that?</p> <p>14:02:18 15 A. There are various ways to keep track of that.</p> <p>14:02:20 16 Q. Tell me all of the ways that exist, if you</p> <p>14:02:22 17 would, please.</p> <p>14:02:26 18 MR. CASPER: I'm going to object to this as</p> <p>14:02:29 19 beyond the scope of the 30(b)(6) deposition notice.</p> <p>14:02:33 20 MR. SMART: Well, I don't agree with that.</p> <p>14:02:36 21 Q. (BY MR. SMART:) You can go ahead, please.</p> <p>14:02:39 22 A. Okay. So, the way -- the various ways that we</p> <p>14:02:42 23 keep track of licenses. There are various channels that</p> <p>14:02:44 24 Microsoft does business with, and I --</p> <p>14:02:44 25 Q. When you use the term channel -- and I -- I</p>

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<p>14:08:41 1 product that you've acquired to pre-install, comes</p> <p>14:08:45 2 through an authorized replicator and I'm sure it's an</p> <p>14:08:48 3 automated system because, otherwise, we wouldn't be able</p> <p>14:08:51 4 to do the volume of sales that we do.</p> <p>14:08:54 5 Q. Let me stop you there for a second. An</p> <p>14:08:56 6 authorized replicator is a machine that prints copies of</p> <p>14:08:59 7 the software?</p> <p>14:09:01 8 A. No, it's not a machine that prints copies of</p> <p>14:09:04 9 the software.</p> <p>14:09:04 10 Q. What is it?</p> <p>14:09:05 11 A. An authorized replicator is a partner who is</p> <p>14:09:08 12 permitted to perform various services on behalf of an</p> <p>14:09:15 13 OEM or on behalf of Microsoft -- depending on -- on the</p> <p>14:09:21 14 channel.</p> <p>14:09:25 15 Q. And, so, do the authorized replicators then</p> <p>14:09:28 16 report to you how many copies have been made and sold</p> <p>14:09:30 17 for instance, to an OEM?</p> <p>14:09:32 18 A. They don't report how many copies have been</p> <p>14:09:34 19 made and sold. They report how many Certificate of</p> <p>14:09:38 20 Authenticities have been shipped to a particular OEM for</p> <p>14:09:44 21 a given product.</p> <p>14:09:45 22 Q. Okay. It's the Certificate of Authenticity</p> <p>14:09:48 23 that triggers a sale?</p> <p>14:09:50 24 A. In the direct OEM channel, yes.</p> <p>14:09:52 25 Q. Okay. And it's different for the other</p>	<p>14:11:05 1 Basic?</p> <p>14:11:09 2 A. We have a means of identifying which channel</p> <p>14:11:13 3 the license -- sold the license, if that's what you're</p> <p>14:11:15 4 asking.</p> <p>14:11:16 5 Q. That's what I'm asking. And what is the means</p> <p>14:11:18 6 of identification?</p> <p>14:11:19 7 A. Again, it's the stock keeping unit.</p> <p>14:11:22 8 Q. Okay. So, after these copies of Windows Vista</p> <p>14:11:28 9 Home Basic have been sold, how are the numbers tabulated</p> <p>14:11:34 10 in a fashion that's a consolidated fashion so that</p> <p>14:11:37 11 Microsoft knows how much money it's making and how many</p> <p>14:11:42 12 copies of the software has been sold in a particular</p> <p>14:11:45 13 time period?</p> <p>14:11:48 14 A. Again, this information is collected in a</p> <p>14:11:50 15 database.</p> <p>14:11:50 16 Q. And is that a sales report database?</p> <p>14:11:53 17 A. It's the database -- There are various</p> <p>14:11:56 18 databases. The one that I am aware of is called MS</p> <p>14:11:59 19 Sales.</p> <p>14:12:00 20 Q. Okay. And MS Sales means Microsoft Sales; is</p> <p>14:12:04 21 that right?</p> <p>14:12:05 22 A. Yes.</p> <p>14:12:05 23 Q. Okay. So, if Microsoft wanted to produce a</p> <p>14:12:11 24 document that showed how many copies of Windows Vista</p> <p>14:12:15 25 Home Basic had been sold in a particular time frame, it</p>
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<p>14:09:55 1 channels; is that right?</p> <p>14:09:56 2 A. Yes.</p> <p>14:09:56 3 Q. Okay. So, just taking direct OEMs, somebody</p> <p>14:10:00 4 counts the number of Certificates of Authenticity; is</p> <p>14:10:04 5 that right?</p> <p>14:10:06 6 A. The authorized replicator reports to us how</p> <p>14:10:09 7 many are shipped. I'm not sure what you mean by</p> <p>14:10:12 8 somebody counts.</p> <p>14:10:13 9 Q. Somebody has to count them before they can</p> <p>14:10:15 10 report to you the number that are shipped, don't they?</p> <p>14:10:21 11 A. I don't think so. I think that they print the</p> <p>14:10:23 12 number that are ordered and then ship the number that</p> <p>14:10:25 13 are ordered. I'm sure someone confirms that they're</p> <p>14:10:28 14 shipping what they printed.</p> <p>14:10:29 15 Q. Okay. And then, at Microsoft, the records are</p> <p>14:10:34 16 then collected and consolidated so as you get some sort</p> <p>14:10:38 17 of a summary, right?</p> <p>14:10:40 18 A. Yes.</p> <p>14:10:40 19 Q. Okay. What's that called?</p> <p>14:10:43 20 A. It would be a sales report.</p> <p>14:10:44 21 Q. Okay. And the sales reports, are they kept</p> <p>14:10:51 22 separately by channel?</p> <p>14:10:52 23 A. It depends on what you mean by separately.</p> <p>14:10:57 24 Q. Well, are the sales reports kept in each</p> <p>14:11:00 25 channel of sales for, for instance, Windows Vista Home</p>	<p>14:12:18 1 could call up a report from the database called MS</p> <p>14:12:23 2 Sales; is that right?</p> <p>14:12:24 3 A. That's correct, but that's not the number --</p> <p>14:12:26 4 That's not a number that would equivocate to the number</p> <p>14:12:30 5 of computers to which a Vista Capable sticker was</p> <p>14:12:34 6 affixed.</p> <p>14:12:35 7 Q. Okay. If Microsoft wanted to find out the</p> <p>14:12:38 8 number of dollars that it had achieved through the sales</p> <p>14:12:44 9 of Windows Vista Home Basic, would it call up a report</p> <p>14:12:47 10 from the same database?</p> <p>14:12:48 11 A. Yes.</p> <p>14:12:49 12 Q. Okay. If Microsoft wanted to determine how</p> <p>14:12:53 13 much a particular OEM was entitled to by way of of a</p> <p>14:12:57 14 discount as a result of selling Windows Vista Home Basic</p> <p>14:13:04 15 software through the Windows Vista logo program or any</p> <p>14:13:10 16 other co-marketing program, would it consult with the</p> <p>14:13:13 17 same database?</p> <p>14:13:15 18 A. Yes.</p> <p>14:13:15 19 Q. Okay. And how --</p> <p>14:13:18 20 A. But --</p> <p>14:13:18 21 Q. How are those --</p> <p>14:13:19 22 MR. CASPER: Please let her finish her answer</p> <p>14:13:21 23 to the question.</p> <p>14:13:21 24 A. But -- But, to clarify, we don't -- The</p> <p>14:13:25 25 product is sold at a price. It's not sold -- We don't</p>

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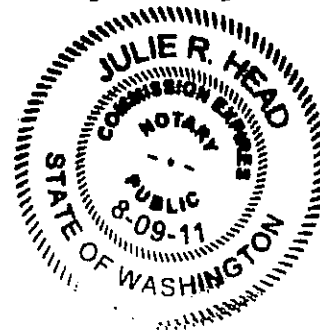
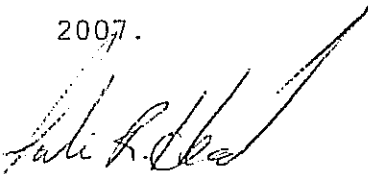
REPORTER'S CERTIFICATE

I, JULIE R. HEAD, the undersigned Certified Court Reporter and Notary Public, do hereby certify:

That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were by me duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the case.

WITNESS MY HAND AND SEAL THIS 31st day of August,

2007.



JULIE R. HEAD, CRR, RPR  
Certified Court Reporter  
CCR No. 3119  
Notary Public in and for the  
State of Washington, residing in  
Snohomish County. Commission  
Expires 8-09-11.

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